

REMARKS

In complete response to the Office Action electronically transmitted on February 26, 2008, (hereinafter referred to as "the Office Action"), Applicants amend Claims 18, 34 and 57 as illustrated in the foregoing section **Amendments to the Claims**. The claim amendments reflect proposed amendments discussed between Applicants' representative Gregory A. Hermanson and Examiner Vo. In light of the foregoing amendments and following remarks, Applicants respectfully assert pending Claims 18-24, 34-42, and 51-79 are in condition for allowance.

Discussion of Claim Amendments

As illustrated in the foregoing section **Amendments to the Claims**, Independent claims 18, 34, and 57 are amended to reflect claim amendments discussed with Examiner Vo in a telephone call on May 20, 2008, and also discussed previously, to place the pending claims in condition for allowance. The previous Office Action response submitted on April 16, 2008 (but not entered as indicated by an Advisory Action dated 5/7/08) also included these amendments. As requested by Examiner Vo, Applicants are resubmitting these amendments to place the claims in condition for allowance. Accordingly, in light of these amendments, Applicants respectfully assert all of the pending claims are now in condition for allowance.

Applicants include the following discussion for the sake of completeness of this Office Action response to specifically address claims rejected in the Office Action.

Discussion of Rejection under § 103(a)

Claims 18-21, 23-24, 34, 38-42, 51-55, 57-60, 65-69, and 72-79 have been rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,975,985 (Kriechbaum et al.) in view of US Patent No. 7,260,535 (Galanes et al).

Applicants traverse these rejections. To provide a *prima facie* showing of obviousness under 35 U.S.C. § 103, all the claim limitations must be taught or suggested by the prior art. *See, e.g., In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974); MPEP 2143.03. Kriechbaum discloses continuous dictations speech recognition, not interactive voice response speech recognition systems or processes, and specifically does not expressly teach or suggest all of the limitations of independent claims 18, 34 or 57.

Claim 18 recites, in part, "receiving a plurality of digital audio files, each audio file comprising audio recorded in response to a first prompt by a speech recognition application." Neither Kriechbaum nor Galanes teach or disclose this feature. Although Galanes discloses prompts and audio recorded in response to the prompts, Galanes fails to teach a method comprises receiving a *plurality* of digital audio files associated with a first prompt.

Claim 18 also recites, "receiving a grammar associated with the first prompt, the grammar comprising a plurality of concepts, each concept having a set of phrases organized under a single idea, the idea representing an expected response to the first prompt." Neither Kriechbaum nor Galanes teach or disclose a grammar of this nature. Galanes discloses a grammar containing a plurality of concepts, each representing an expected response to a given prompt, however, each concept has only one phrase associated with it. The Examiner may be giving the term "set of phrases" its broadest possible meaning to include a set having only a single phrase. This feature may be amended to include a limitation similar to "at least one concept having a plurality of phrases" to overcome the prior art.

Claim 18 also recites "producing a recognition result for each audio file." As mentioned above, this feature is not anticipated because neither reference includes a plurality of audio files associated with a first prompt and thus could not anticipate producing a result for *each* file.

Claims 34 and 57 recite, in part, "an audio recorder module for receiving a plurality of digital audio files, each audio file comprising audio recorded in response to a first prompt of a speech recognition application." Neither Kriechbaum nor Galanes teach or disclose this feature. Although Galanes discloses prompts and audio recorded in response to the prompts, Galanes fails to teach a method comprises receiving a *plurality* of digital audio files associated with a first prompt.

Claim 34 recites, "a grammar editor module configured to access and modify a grammar based on scoring of a recognition result, the grammar comprising a plurality of concepts, each concept having a set of phrases organized under a single idea, the idea representing an expected response to the first prompt." Claim 57 recites, "a grammar editor module configured to access and modify a grammar, the grammar comprising a plurality of concepts, each concept having a set of phrases organized under a single idea, the idea representing an expected response to the first prompt." Neither Kriechbaum nor Galanes teach or disclose a grammar of this nature. Galanes discloses a

grammar containing a plurality of concepts, each representing an expected response to a given prompt, however, each concept has only one phrase associated with it.

Amended Claims 34 and 57 also recite “producing a first recognition result for each audio file.” This limitation is not anticipated because neither reference includes a plurality of audio files associated with a first prompt and thus could not anticipate producing a result for *each* file.

Amended Claims 18, 34 and 57 recite, in part, “producing a second recognition result for each audio data file based on the modified grammar using the speech recognizer.” Although Galanes discloses “modify[ing] the Grammar objects,” neither Kriechbaum nor Galanes discloses a rescoring of the audio files using the modified grammar. Amended Claims 18, 34 and 57 further recite, in part, “comparing the scoring of the first recognition result with the second result for each audio data file; and outputting the first or second recognition result for each audio data file based on the comparison. This is not disclosed in either reference. Applicants submit that neither reference includes a second recognition result which is based on the comparison of each audio file with the modified grammar and an output based on the comparison of the first recognition result and the second recognition result, and thus could not anticipate a second recognition result based on the modified grammar.

The Examiner has also rejected Claims 22, 35-37, 56, 61-64 and 70-71 under 35 U.S.C. 103(a) as being unpatentable over Kriechbaum, in view of Galanes and further in view of Official Notice.

Claims 22, 35-37, 56, 61-64, and 70-71 depend directly or indirectly from Claims 18, 34 or 57. Accordingly, Applicants respectfully assert Claims 22, 35-37, 56, 61-64, and 70-71 are also in condition for allowance for at least the above-described reasons, and request the Examiner withdraw the § 103 rejections.

In addition, Kriechbaum fails to disclose a user interface, wherein the user interface comprises a graphical user interface, wherein the graphical user interface is configured to display an output from a scoring module configured to score the recognition result based at least in part on a user-defined transcript of the audio input and the recognition result, and wherein the graphical user interface is configured to display the digital audio input and the accessed grammar. The Examiner has taken Official Notice that such user interface is well-known in the art. Applicants respectfully traverse the asserted Official Notice because although graphical user interfaces may be generally well-known in the art, particularly in computer systems, the claimed features of the graphical user interface are not

obvious or described in the art. Amended Claims 18, 34 and 57 recite "outputting the first or second recognition results for each audio data file based on the comparison" of the first recognition result with the second recognition result. Although Applicants believe that the foregoing claim amendments and/or remarks clearly obviate Kriechbaum from being used for a rejection of the pending claims under section §103, Applicants respectfully request that proper prior art evidence be provided to support the Official Notice if such an assertion is carried forward in subsequent Office communications.

No Disclaimers or Disavowals

Although the present communication includes alterations to the application or claims, or characterizations of claim scope or referenced art, Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicants have made any disclaimers or disavowals of any subject matter supported by the present amendments.

CONCLUSION

Applicants have endeavored to address all of the Examiner's concerns regarding section 103 claim rejections as expressed in the outstanding Office Action. In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections, and that the claims now be found in condition for allowance.

Any claim amendments which are not specifically discussed in the above remarks are not made for patentability purposes, and it is believed that the claims would satisfy the statutory requirements for patentability without the entry of such amendments. Rather, these amendments have only been made to increase claim readability, to improve grammar, and to reduce the time and effort required of those in the art to clearly understand the scope of the claim language.

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Should the Examiner have any remaining concerns that might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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